

**ANNEX IX to the  
Memorandum of Agreement between  
the Transportation Security Administration and  
the Federal Aviation Administration**

**INTERNATIONAL AVIATION**

1. Purpose. The Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA) ("the Parties") have a mutual interest in ensuring security and safety in international aviation. To achieve this purpose, the Parties agree to abide by the terms of this Annex, subject to applicable federal laws, regulations, and policies.
2. Definitions. As used in this Annex:
  - a. The term "coordinate" means to take action which provides reasonable notice of an agency's activities and which affords the notified agency, when possible, a reasonable opportunity to address concerns raised by such notice.
  - b. The term "reasonable notice" means as soon as possible, preferably prior to action, without placing an activity in jeopardy.
3. Actions.
  - a. General Coordination. The Parties will make good faith efforts to coordinate with one another any international civil aviation activities that lie within their areas of responsibility (safety and security) and have the potential to substantially affect U.S. aviation policy objectives or the mission of the other Party. The Parties will also make good faith efforts to coordinate with the Department of Transportation's General Counsel and Assistant Secretary for Aviation and International Affairs on any civil aviation activities that lie within their areas of responsibility (economic aspects of international civil aviation). This coordination shall commence as soon as practicable and will focus on both Parties (1) continuing to use the existing formal coordination entity of the U.S. Government, (2) avoiding duplication or conflict in agency authorities, and (3) furthering the international aviation safety and security objectives of the United States.
  - b. Coordination Mechanism. In accordance with the general coordination obligations expressed in paragraph 3a, and Executive Orders 10883 and 11382, the Parties will make good faith efforts to coordinate activities in making recommendations to the Secretary of State on international aviation matters. The Parties agree that:
    - (1) The Parties will continue to use the Interagency Group on International Aviation (IGIA) as the U.S. Government's mechanism for coordinating international aviation matters.

- (2) TSA will be a member of IGIA, which will ask TSA to comment on international aviation matters.
- (3) Under its delegated authority as the IGIA Secretariat, the FAA will refer all international civil aviation security matters covered under Annex 17 of the Convention on International Civil Aviation to TSA for action.
- (4) Once coordination is completed, the IGIA Secretariat will assure the Secretary of State is provided with recommendations on policy directives, and technical or other instructions for the guidance of United States representatives on the International Civil Aviation Organization and other international bodies concerned with aviation.
- (5) TSA will provide IGIA with a point of contact in the Office of Security Regulation and Policy who will ensure that actions that IGIA assigns are coordinated within TSA.

c. Policy Activities Not Coordinated in IGIA. The Parties will coordinate regulatory or procedural changes that substantially affect international civil aviation.

d. Activities Outside the United States. The Parties will coordinate their activities outside the United States that substantially affect international civil aviation. These activities include but are not limited to:

- Effective response to civil aviation emergencies.
- Safety and security assessments or audits of foreign entities.

e. Actions Requiring Departmental Approval. In addition to the coordination described above, if either Party engages in activities which could ultimately result in an action requiring the approval of the head of the Department in which either Party operates, the Parties will follow any applicable Departmental approval and coordination policies.

4. Points of Contact. In initiating coordination required by this Annex, each Party's point of contact, or that point of contact's designee, will coordinate with the other Party's point of contact, or their designee. The Parties agree that the points of contact for this Annex are the following:

TSA:

Director of International Aviation Operations  
Assistant Administrator for Aviation Operations  
Transportation Security Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

For IGIA issues:

Director of Office of Security Regulations and Policy  
Transportation Security Administration  
TSA Headquarters  
701 South 12<sup>th</sup> Street  
Arlington, VA 22202

FAA:

Director of International Aviation  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

DOT:

General Counsel:

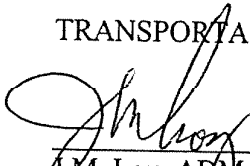
Assistant General Counsel for International Law  
Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

Assistant Secretary for Aviation and International Affairs:

Director of International Aviation  
Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

APPROVED BY:

TRANSPORTATION SECURITY ADMINISTRATION

  
\_\_\_\_\_  
J.M. Loy, ADM  
Under Secretary of Transportation for Security

2/28/03  
Date

FEDERAL AVIATION ADMINISTRATION

  
\_\_\_\_\_  
Marion C. Blakey  
Administrator

2/28/03  
Date